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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,636	07/05/2005	John Michael Roll	1025-P03655US00(AAF-02)	4093

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1601 MARKET STREET
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EXAMINER

ROST, ANDREW J

ART UNIT PAPER NUMBER

3751

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/541,636	ROLL ET AL.	
	Examiner	Art Unit	
	Andrew J. Rost	3751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-18 and 21 is/are rejected.
- 7) ☒ Claim(s) 8, 9, 19, 20 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 July 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/05/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the Preliminary Amendment filed on 7/05/2005. No claims have been cancelled. Claims 6-8 have been amended. Claims 10-21 have been newly added. Presently, claims 1-21 are pending.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 14. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 14-18 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by de Almeida (4,307,654).

Regarding claim 14, de Almeida discloses a valve with a housing (1) with an inlet (21) and an outlet (31), a pressure port (25) and a valve member (2) carried by a piston (4) that is slidable in the housing and a bias spring (3) located between the piston and the valve member.

In regards to claim 15, de Almeida discloses a spring (5) biasing the piston to a closed position.

In regards to claims 16 and 17, de Almeida discloses the valve member contacting a valve seat at the inlet of the housing and having a surface area substantially equal to the surface area of the piston (Fig. 1).

In regards to claim 18, de Almeida discloses the valve member having a guiding portion (22) that is received in piston.

Regarding claim 21, de Almeida discloses a valve with a housing (1) with an inlet (21) and an outlet (31), a pressure port (25) and a valve member (2) carried by a piston (4) that is slidable in the housing and a bias spring (3) located between the piston and the valve member and a spring (5) biasing the piston.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-7, and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over de Almeida (4,307,654) in view of Pinchott et al. (5,813,655).

Regarding claim 1, de Almeida discloses a valve with a housing (1) with an inlet (21) and an outlet (31), a pressure port (25) and a valve member (2) carried by a piston (4) and a bias spring (3) located between the piston and the valve member. de Almeida does not disclose the use of a manual shutoff but the use of a electrically controlled switch (S). However, Pinchott et al. teach the use of a button to operate an electrical signal to operate a valve to move a water valve from an open position to a closed position or closed position to opened position (abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to operate the switch of de Almeida with the button as taught by Pinchott et al. in order to allow for manual operation of the valve and the fluid flow through the valve.

In regards to claims 2 and 3, de Almeida discloses piston biasing means as a spring (5).

In regards to claims 4, 5, 10 and 11, de Almeida discloses the valve member contacting a valve seat at the inlet of the housing and having a surface area substantially equal to the surface area of the piston (Fig. 1).

In regards to claims 6, 7, 12 and 13, de Almeida discloses the valve member having a guiding portion (22) that is received in piston and the valve member is biased by a spring (3).

Allowable Subject Matter

7. Claims 8, 9, 19, 20 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tomlin et al (4,699,355) disclose a fail-safe fluid piloted valve having a locking ring that is operated by fluid pressure. Gordon (3,707,987) discloses a rotatable stem with a non-rounded end that is adjusted to open or close the valve or to additionally throttle the opening of the valve. Smith et al. (5,586,744) disclose a movable piston that has a pin the limits the amount that the piston is allowed to move.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew J. Rost whose telephone number is 571-272-2711. The examiner can normally be reached on 7:00 - 4:30 M-Th and 7:00 - 12:00 Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on 571-272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3751

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Andrew J Rost
Examiner
Art Unit 3751



JUSTINE R. YU
SUPERVISORY PATENT EXAMINER
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7/21/06